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California Department of Corrections and
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

13 JOHN ARMSTRONG, et al.,

Case No. 94-cv-02307 CW

14 v. Plaintiffs,

15 **DECLARATION OF F. ORR IN
SUPPORT OF DEFENDANTS' SUR-
REPLY TO PLAINTIFFS' MOTION FOR
A PERMANENT INJUNCTION AT
SEVEN PRISONS AND STATEWIDE**

16 GAVIN NEWSOM, et al.,

17 Defendants.

18 I, F. Orr, declare:

19 1. I am employed with the California Department of Corrections and Rehabilitation
20 (CDCR). I currently work at Mule Creek State Prison. I am a Correctional Officer. I am
21 competent to testify to the matters set forth in this declaration and, if called upon by this Court, I
22 could and would so testify. I submit this declaration in support of Defendants' Sur-Reply to
23 Plaintiffs' Motion for an Injunction at Seven Prisons and Statewide.

24 2. On August 27, 2020, while performing my duties as the A-Facility Clinic Officer, I
25 heard a radio transmission for a Code 1 response to a resistive inmate. I retrieved a wheelchair
26 from the Clinic and went toward Building 5. I met several escorting officers and a resistive

inmate (later identified as Inmate [REDACTED] on the track nearest to the Enhanced Outpatient Treatment Center.

3. Inmate [REDACTED] was assisted to his feet and placed in the wheelchair without resistance by the escorting officers.

4. I pushed Inmate [REDACTED] to the A-Facility Clinic for a medical evaluation. Once Licensed Vocational Nurse (LVN) Baguinon completed the Medical Evaluation, I escorted Inmate [REDACTED] to the A-Facility Program Office. Officer Winkler assisted Inmate [REDACTED] out of the wheelchair. I returned to the clinic.

4. I wrote an incident report documenting this incident the same day, August 27, 2020. Attached to this declaration as **Exhibit A** is a true and correct copy of my report. This report accurately describes what I observed that day, and I incorporate the contents of my report into this declaration by reference.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 16, 2020, in Ione, California.

F. Orr, Correctional Officer
Mule Creek State Prison
California Department of Corrections and Rehabilitation

EXHIBIT A

CDCR

REPORT NO. [REDACTED]

INCIDENT REPORT PACKAGE

PAGE: 19

INCIDENT LOG NUMBER: [REDACTED]

PROCESSED: 10/02/2020 12:42

REQUESTOR: E. Laird

STAFF NARRATIVE

STAFF NAME: McTaggart, K [REDACTED]**NARRATIVE TYPE:** Supplemental Report**CREATED DATE:** 09/02/2020**CREATED TIME:** 09:21:16

NARRATIVE

Q1. Did you observe inmate [REDACTED] resisting again after being placed in handcuffs?

A1. No, after inmate [REDACTED] was assisted to the prone position I responded to the outside front of Building 5 to turn off the audible alarm. After returning to the incident location in Building 5 Dayroom, inmate [REDACTED] was assisted back to the prone position and Officer Cook applied the leg restraints. Due to my location in front of the Officer's podium and responding staff blocking my view, I was unable to see if inmate [REDACTED] resisted while applying leg restraints.

K. McTaggart

DATE: 09/02/2020

STAFF SIGNATURE

BADGE #: 85546**PERNR:** 94706**NARRATIVE REVIEWED:** Yes**REVIEWED BY STAFF:** Quiring, J [REDACTED]**REVIEWED DATE:** 09/02/2020**REVIEWED TIME:** 09:41:42**STAFF NAME:** Orr, F [REDACTED]**NARRATIVE TYPE:** Initial Report**CREATED DATE:** 08/27/2020**CREATED TIME:** 12:40:12

NARRATIVE

On Thursday , August 27, 2020 at approximately 0824 hours, while performing my duties as A-Facility Clinic Officer, I heard a radio transmission for a code 1 response for a resistive inmate. I retrieved a wheelchair from the clinic and responded toward building 5 meeting several escorting officers and a resistive inmate [REDACTED] on the track nearest the EOP center. Inmate [REDACTED] was assisted to his feet and placed in the wheelchair without resistance by many escorting officers. I pushed inmate [REDACTED] to the clinic for a CDCR 7219 Medical Evaluation. Once Licensed Vocational Nurse (LVN) Baguinon completed the Medical Evaluation I escorted inmate [REDACTED] to A-Facility Program Office. Officer Winkler assisted inmate [REDACTED] from the wheelchair and I returned to the clinic without further incident.

F. Orr

DATE: 08/27/2020

STAFF SIGNATURE

BADGE #: 70005**PERNR:** 56462**NARRATIVE REVIEWED:** Yes**REVIEWED BY STAFF:** Clays, D [REDACTED]**REVIEWED DATE:** 08/27/2020**REVIEWED TIME:** 13:46:26